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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.	
10/645,786	08/20/2003	Sung Soo Park	8029P015X2	8206	
65702 SILICON / BL	7590 02/19/2008 AKFIV		EXAMINER		
BLAKELY SOKOLOFF TAYLOR & ZAFMAN			HSU, ALPUS		
	AD PARKWAY E, CA 94085-4040		ART UNIT PAPER NUMBER		
			2619		
				<u> </u>	
			MAIL DATE	DELIVERY MODE	
			02/19/2008	PAPER	

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

	Application No.	Applicant(s)	
	10/645,786	PARK, SUNG S	00
Office Action Summary	Examiner	Art Unit	
	Alpus H. Hsu	2619	
The MAILING DATE of this communication app Period for Reply	pears on the cover sheet w	ith the correspondence a	ddress
A SHORTENED STATUTORY PERIOD FOR REPLY WHICHEVER IS LONGER, FROM THE MAILING Down after SIX (6) MONTHS from the mailing date of this communication.  If NO period for reply is specified above, the maximum statutory period of Failure to reply within the set or extended period for reply will, by statute Any reply received by the Office later than three months after the mailing earned patent term adjustment. See 37 CFR 1.704(b).	ATE OF THIS COMMUNI 36(a). In no event, however, may a will apply and will expire SIX (6) MON to cause the application to become Al	CATION. reply be timely filed  NTHS from the mailing date of this BANDONED (35 U.S.C. § 133).	
Status	•		•
1)☐ Responsive to communication(s) filed on  2a)☐ This action is <b>FINAL</b> . 2b)☑ This  3)☐ Since this application is in condition for allowal closed in accordance with the practice under E	action is non-final. nce except for formal mat		e merits is
Disposition of Claims		en e	
4) ⊠ Claim(s) <u>1-24</u> is/are pending in the application 4a) Of the above claim(s) is/are withdray 5) □ Claim(s) is/are allowed. 6) □ Claim(s) is/are rejected. 7) □ Claim(s) is/are objected to. 8) ⊠ Claim(s) <u>1-24</u> are subject to restriction and/or	wn from consideration.		
Application Papers			
9) The specification is objected to by the Examine 10) The drawing(s) filed on is/are: a) acc Applicant may not request that any objection to the Replacement drawing sheet(s) including the correct 11) The oath or declaration is objected to by the Example 11.	epted or b) objected to drawing(s) be held in abeyal tion is required if the drawing	nce. See 37 CFR 1.85(a). (s) is objected to. See 37 C	
Priority under 35 U.S.C. § 119	•		
12) Acknowledgment is made of a claim for foreign a) All b) Some * c) None of:  1. Certified copies of the priority document 2. Certified copies of the priority document 3. Copies of the certified copies of the priority document application from the International Bureau * See the attached detailed Office action for a list	ts have been received. ts have been received in A rity documents have beer u (PCT Rule 17.2(a)).	Application No  received in this Nationa	ıl Stage
	•		
Attachment(s)  1) Notice of References Cited (PTO-892)  2) Notice of Draftsperson's Patent Drawing Review (PTO-948)  3) Information Disclosure Statement(s) (PTO/SB/08)  Paper No(s)/Mail Date	Paper No	Summary (PTO-413) s)/Mail Date nformal Patent Application 	

10/645,786

Art Unit: 2619

- 1. Restriction to one of the following inventions is required under 35 U.S.C. 121:
  - I. Claims 1-18, drawn to an grant generator for a switching network arrangement, classified in class 370, subclass 386.
  - Π. Claims 19-22, drawn to a method for scheduling service, classified in class 370, subclass 395.4.
  - Claims 23 and 24, drawn to a binary round robin tree cell circuit, classified in III. class 326, subclass 104.

The inventions are distinct, each from the other because of the following reasons:

Inventions II and I and I and III are related as combination and subcombination. 2. Inventions in this relationship are distinct if it can be shown that (1) the combination as claimed does not require the particulars of the subcombination as claimed for patentability, and (2) that the subcombination has utility by itself or in other combinations (MPEP § 806.05(c)). In the instant case, the combination of II as claimed does not require the particulars of the subcombination of I as claimed because the subcombination has utility by itself. The subcombination of I has separate utility such as a specific grant generator for a crossbar switch architecture. Similarly, the combination of I as claimed does not require the particulars of the subcombination of III as claimed because the subcombination of III has utility by itself. The subcombination of III has separate utility such as a specific tree cell logic circuit.

The examiner has required restriction between combination and subcombination inventions. Where applicant elects a subcombination, and claims thereto are subsequently found allowable, any claim(s) depending from or otherwise requiring all the limitations of the allowable subcombination will be examined for patentability in accordance with 37 CFR 1.104.

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See MPEP § 821.04(a). Applicant is advised that if any claim presented in a continuation or divisional application is anticipated by, or includes all the limitations of, a claim that is allowable in the present application, such claim may be subject to provisional statutory and/or nonstatutory double patenting rejections over the claims of the instant application.

- 3. Because these inventions are independent or distinct for the reasons given above and there would be a serious burden on the examiner if restriction is not required because the inventions have acquired a separate status in the art due to their recognized divergent subject matter, restriction for examination purposes as indicated is proper.
- 4. Applicant is advised that the reply to this requirement to be complete must include (i) an election of a species or invention to be examined even though the requirement be traversed (37 CFR 1.143) and (ii) identification of the claims encompassing the elected invention.

The election of an invention or species may be made with or without traverse. To reserve a right to petition, the election must be made with traverse. If the reply does not distinctly and specifically point out supposed errors in the restriction requirement, the election shall be treated as an election without traverse.

Should applicant traverse on the ground that the inventions or species are not patentably distinct, applicant should submit evidence or identify such evidence now of record showing the inventions or species to be obvious variants or clearly admit on the record that this is the case. In either instance, if the examiner finds one of the inventions unpatentable over the prior art, the evidence or admission may be used in a rejection under 35 U.S.C.103(a) of the other invention.

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5. Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Alpus H. Hsu whose telephone number is (571)272-3146. The

examiner can normally be reached on M-F (5:30-3:00) First Friday Off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Jay Patel can be reached on (571)272-2988. The fax phone number for the

organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent

Application Information Retrieval (PAIR) system. Status information for published applications

may be obtained from either Private PAIR or Public PAIR. Status information for unpublished

applications is available through Private PAIR only. For more information about the PAIR

system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR

system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would

like assistance from a USPTO Customer Service Representative or access to the automated

information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

**AHH** 

Alpus H. Hsu Primary Examiner

Alpus ors. 250

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